

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW YORK METHODIST HOSPITAL AND
MSO OF KINGS COUNTY, LLC, A SINGLE EMPLOYER
Employer

and

Case No. 29-RC-172410

1199 SEIU, UNITED HEALTHCARE WORKERS EAST
Petitioner

ORDER

The Employer's Requests for Review of the Regional Director's Decision and Direction of Election, Supplemental Decision on Challenges, and Supplemental Decision on Objections and Certifications of Representative are denied as they raise no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., December 21, 2016.

¹ In finding that the New York Methodist Hospital and MSO of Kings County are a single employer, the Regional Director referenced his analysis of this issue in Case 29-RC-172398. In denying review of the single employer finding, we do not rely on the Regional Director's citation, in Case 29-RC-172398, of *Shane Steel Processing*, 353 NLRB 522 (2008), a two-member Board decision. See *New Process Steel, L.P. v. NLRB*, 560 U.S. 674 (2010). For the same reason, we do not rely on the Regional Director's citation of *Unisys Corp.*, 354 NLRB 825 (2009), in his Supplemental Decision on Challenges.

In denying review of the Regional Director's Decision and Direction of Election, Member Miscimarra notes that he does not necessarily agree with the holding in *St. Vincent Charity Medical Center*, 357 NLRB 854 (2011), cited by the Regional Director. He nevertheless agrees that a self-determination election was properly directed in this case. More generally, Member Miscimarra continues to adhere to his dissenting views regarding the Election Rule. See Election Rule, 79 Fed. Reg. at 74430-74460 (dissenting views of Members Miscimarra and Johnson); *id.* at 74434-74441 (dissenting views regarding the Final Rule's acceleration of the pre-election timeline).